IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15079 of 2004

Between:

Ebusi Agaiah, s/o Posham,
Civil Engineering Department, Srirampur, Adilabad District.

..... PETITIONER

AND

1 The Singareni Collieries Co.Ltd., (Government Company)

rep., by its General Manager, Kothagudem, Khammam District.
2 Deputy General Manager (Personnel), The Singareni Collieries

Co.Ltd., Kothagudem, Khammam District.
3 The Superintending Engineer (Civil), The Singareni Collieries Co.Ltd.,

Srirampur Project Area, Srirampur, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 2nd and 3rd respondents and issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, declaring that the transfer order issued by the 2nd respondent in proceedings No.CRP/PER/PM/3369/861, dt.11-5-2004 and the relieving order issued by the 3rd respondent in proceedings No.SRP/CVL/96/1802, dt.27-5-2004 with effect from 21-8-2004 as illegal, unjust, contrary to law, arbitrary, amounts to unfair labour practice, victimization, contrary to the Circular and violative of Articles 14, 16 and 21 of the Constitution of India, and grant all consequential benefits;

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.NANDIGAM KRISHANA RAO

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15079 OF 2004

ORDER:

The petitioner is working as a Fitter-Helper in the respondent-Company. He was transferred to the Mines Department, Srirampur (2 incline) on 24-05-2002 by mutual request. Subsequently, he was kept under suspension on 19-10-2002 and the suspension was raised in April, 2004. Later he was transferred to Bhupalpalli through the proceedings dated 11-05-2004. When the workers Union approached the concerned authorities alleging that the transfer is premature, it was kept in abeyance for some time, and subsequently, the petitioner made a representation on 14-08-2004 requesting to retain him at Srirampur.

2. The grievance of the petitioner is that without considering the said representation, he was relieved on 21-08-2004 at Srirampur. Therefore, he approached this Court seeking a writ of mandamus praying to declare that the transfer order issued by the second respondent dated 11-05-2004 and the relief order dated 27-05-2004, as illegal, arbitrary and contrary to the circulars issued by the management.

3. The counter filed by the respondent did not indicate whether the representation of the petitioner was considered, and whether any orders passed after considering the grievances of the petitioner mentioned in the representation.

4. The learned counsel for the petitioner represented that the Management issued a circular on 09-05-1997 that the workmen working in certain departments mentioned therein shall be transferred only after completion of four years. He also referred to the circular dated 06-12-2002 to draw the attention of this Court that the employees shall be transferred only after completion of four years.

5 . The learned counsel for the respondents represented that the representation of the petitioner dated 14-08-2004 could not be traced, therefore, no orders could be passed on the basis of it.

6. The petitioner is therefore, directed to make a fresh representation and the respondents shall after receipt of the said representation, pass appropriate orders by taking into consideration the circulars dated 09-05-1997 and 06-12-2002, within four weeks from the date of receipt of the representation.

7. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

07th September, 2004

SKM

Note:

Furnish C.C. within two days.

B/o.

skm

TO

1 The General Manager, Singareni Collieries Co.Ltd.,

(Government Company) Kothagudem, Khammam District.
2 Deputy General Manager (Personnel), The Singareni Collieries

Co.Ltd., Kothagudem, Khammam District.
3 The Superintending Engineer (Civil), The Singareni Collieries Co.Ltd.,

Srirampur Project Area, Srirampur, Adilabad District.

4 Two C.D. Copies.